

Serial No.: 10/672,367

Attorney Docket No.: 2003P08217US

**REMARKS**

Upon entry of the instant Amendment, Claims 1-23 are pending. Claims 1, 11, and 18 have been amended to more particularly point out Applicants' invention. The Specification has been amended to provide serial numbers for related cases. No new matter has been added.

Claims 1-5 and 9-16 were rejected under 35 U.S.C. §102(e) as being anticipated by Murray, U.S. Patent No. 6,484,033 ("Murray"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Murray.

As described in the Specification, aspects of the present invention relate to a telecommunications system including a positioning system and a presence and availability system. Positioning information may be transmitted from remote devices to one or more servers using, for example, wireless data networks. The system is able to use inputs from the positioning system and the presence system to determine an availability of a user on a plurality of devices, based on user-input presence and location associations.

Thus, claim 1 has been amended to recite "wherein said presence server is configured to transmit to said plurality of network clients availability information defining where said plurality of network clients may be contacted correlated with said position information;" claim 11 has been amended to recite "[a wireless data network controller configured to] receive availability information defining where a plurality of other network clients may be contacted correlated with associated position information; and claim 18 has been amended to recite "said positioning and presence correlation rules defining an availability of a user at a plurality of user devices or media depending on a detected location of a user."

In contrast, Murray merely relates to a pager system that has a calendar service, rather than a service that define availability on a plurality of particular devices using location and presence rules as generally recited in the claims at issue. In Murray, another user is telephoned if a device is determined not to be able to return to an

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available conference site in time for the conference. However, the user in Murray is not able to set presence and availability correlations associated with a plurality of the user's devices, as generally recited in the claims at issue. If he is not able to make it back, then he is not available at all; other users are not able to contact him. In embodiments of the present invention, however, users are able to make use of the presence and location correlation rules to determine where he is available. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Yugami, U.S. Patent Application No. 03/0027583 ("Yugami"). (Applicants note the Official Action indicates that claim 2 is so rejected, although the discussion relates to elements of claim 6). Murray has been discussed above. Yugami is relied on for allegedly teaching using e-mail to transmit position information. Even assuming that were true, however, like Murray, Yugami fails to teach, inter alia, that "said presence server is configured to transmit to said plurality of network clients availability information defining where said plurality of network clients may be contacted correlated with said position information." As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 7 has been rejected under 35 U.S.C. 103 as being unpatentable over Murray in view of Greene, U.S. Patent Application No. 02/0077080 ("Greene"). Murray has been discussed above. Greene is relied on for allegedly teaching using IM to transmit position information. Even assuming that were true, however, like Murray, Greene fails to teach, inter alia, that "said presence server is configured to transmit to said plurality of network clients availability information defining where said plurality of network clients may be contacted correlated with said position information." As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 8 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Watanabe et al., U.S. Patent Application No. 04/-2-3894 ("Watanabe"). Murray has been discussed above. Watanabe is relied on for allegedly teaching using SIP to transmit position information. Even assuming that were true, however, like Murray, Watanabe fails to teach, inter alia, that "said presence server is

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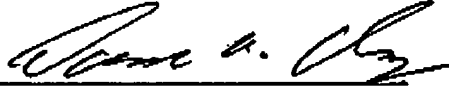
configured to transmit to said plurality of network clients availability information defining where said plurality of network clients may be contacted correlated with said position information." As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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Respectfully submitted,

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